

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

**Before the Honorable Steven C. Yarbrough
United States Magistrate Judge**

Clerk's Minutes

Canon U.S.A., Inc. v. Albuquerque International Balloon Fiesta, Inc., 21cv410 JCH/SCY

Thursday, August 19, 2021 at 2:30 p.m.

PLAINTIFFS' ATTORNEY PRESENT: Anthony Badaracco
Megan Muirhead

DEFENDANTS' ATTORNEY PRESENT: Rodney Schlagel

TYPE OF PROCEEDING: Telephone Scheduling Conference
Total Time – 15 Minutes

COURT'S NOTES/RULINGS:

- The Court initiates the conference. The Court is not on the record.
- The Court discusses the proposed discovery track. The parties indicate they will conduct fact discovery first, followed by expert discovery. Plaintiff indicates expert discovery may not be necessary. Defendant does not know about experts at this point, except possibly an accountant. There are some out-of-state witnesses and depositions.
- The Court will adopt the proposed 255-day discovery track but notes that it is lengthier than usually allowed and the Court will be less inclined to grant extensions of discovery later. The Court adopts the parties' proposed dates and discovery parameters. The Court will not set a limit on expert depositions, but if the number of experts is excessive, the Court will revisit it.
- The Court will require supplementation according to Rule 26, i.e. "timely."
- The Court inquires about the possibility of settlement.
- The parties have been discussing settlement but want to exchange some documents. The Court will check in with the parties roughly four to five months from now. The parties agree to contact the Court if they decide they want a settlement conference.
- Defendant notes Plaintiff did not produce documents with its initial disclosures. Plaintiff is in the process of gathering documents for production.
- The Court discusses its process related to motions to compel. The parties must have a conversation before filing a motion to compel. The parties may reach out to the Court to settle disputes informally.
- There being nothing further, the Court concludes the conference.